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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/007,789	11/07/2001	Jonas Lee	941-002	1847
38137	7590	10/12/2005	EXAMINER	
ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE, 10TH FLOOR NEW YORK, NY 10017			REID, CHERYL M	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,789

Applicant(s)

LEE ET AL.

Examiner

Cheryl M. Reid

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-20 have been examined.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1, 15, and 20 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-7, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas (US 6128663) in view of Eldering et al (US 6820277).
4. In regards to claim 1 and 20, Thomas teaches of : a server operatively connected to a user terminal operated by a user (col 1 lines 65-67, col 2, line 1), an advertising administration module, configured to maintain a plurality of advertising content associated with at least one advertising campaign (col 7, lines 48-55); said user terminal interface configured to retrieve user information corresponding to said user terminal, for use by said advertising administration module(col 2, lines 45-50); said decision maker module configured to select one of said advertising content associated with at least one advertising campaign, based on said user information including consumer data specific to the user and obtained at least directly from said user terminal, so that the user

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terminal coupled to said server receives the selected advertising content corresponding to information retrieved by said server (col 2, lines 55-65). Thomas does not explicitly teach of a user terminal interface module coupled to said advertising administration module nor a decision maker module coupled to said advertising administration module. In an analogous art, Eldering teaches on these aspects (col 5, lines 9-10, col 6, lines 5-10, fig 1). It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art (providing targeted advertisements to consumers). One of ordinary skill in the arts at the time of invention would have been motivated by the reasons discussed by Thomas (col 1, lines 60-65).

5. In regards to claim 15, Thomas teaches of : a server operatively connected to a user terminal operated by a user (col 1 lines 65-67, col 2, line 1), an advertising administration module, configured to maintain a plurality of advertising content associated with at least one advertising campaign (col 7, lines 48-55); said user terminal interface configured to retrieve user information corresponding to said user terminal, for use by said advertising administration module(col 2, lines 45-50); said decision maker module configured to select one of said advertising content associated with at least one advertising campaign, based on said user information including consumer data specific to the user and obtained at least directly from said user terminal, wherein the consumer data specifically identifying the user and obtained at least directly from the user terminal is selected from the group of : the age of the consumer, the economic status of the consumer, and the language of preference of the consumer (col 11, lines 60-65, col 12,

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lines 10-15) so that the user terminal coupled to said server receives the selected advertising content corresponding to information retrieved by said server (col 2, lines 55-65); selecting the mode of appearance of said advertising content (col 2, lines 5-10, col 4, lines 5-10). Thomas does not explicitly teach of a user terminal interface module coupled to said advertising administration module( Eldering, col 5, lines 9-10) nor a decision maker module coupled to said advertising administration module ( Eldering ,col 6, lines 5-10) nor a design user interface module configured to allow the user using the user terminal to specify a set of rules corresponding to an advertising campaign, said set of rules defining conditions for which specific advertising content is selected (Eldering, Col 5, lines 10-35) . In an analogous art, Eldering teaches on these aspects (col 5, lines 9-10, col 6, lines 5-10, fig 1,, Col 5, lines 10-35 ). Refer to claim 1 for motivation.

6. In regards to claim 6-7, Eldering teaches of a memory unit that stores a set of rules corresponding to each of said advertising campaigns, said set of rules defining conditions for which specific advertising content is selected (col 5, lines 30-35, fig 1, item 102) and an information template flesh-out module coupled to said advertising maintenance module configured to retrieve information required by said rules (col 6, lines 1-20, fig 1).

7. Claims 2-5, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Eldering as applied to claim 1 above, and further in view of Pareskh.

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8. The rejections for claims 2-5, 17 were set forth in a previous office action mailed on 1/26/05. Please refer to claim 1 for motivation.

9. Claims 8-9, 10-14, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Eldering as applied to claim 1 above, and further in view of Liu.

10. The rejections for claims 8-9, 10-14 were set forth in a previous office action mailed on 1/26/05. Please refer to claim 1 for motivation.

11. In regards to claim 18, Liu teaches of .. cookie ... (col 16, lines 30-35). Please refer to claim 1 for motivation.

12. In regards to claim 19, Liu teaches of...configured to analyze response rate of each advertising.....(col 12, line 15, col 33, lines 50-65, col 34, lines 5-25). Please refer to claim 1 for motivation.

13. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas in view of Eldering as applied to claim 15 above, and further in view of Welsh et al (US 6757691).

14. In regards to claim 16, neither Thomas nor Eldering explicitly teach of the limitations. In an analogous art, Welsh teaches of wherein said user information includes weather conditions in a geographical location of said user terminal (col 3, lines 40-45). It would have been obvious to one of ordinary skill in the arts at the time of invention to incorporate the above teachings because the inventions are analogous art

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(providing targeted advertisements to consumers). One of ordinary skill in the arts at the time of invention would have been motivated by the reasons discussed by Thomas (col 1, lines 60-65).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cmr

*Beatriz Prieto*  
**BEATRIZ PRIETO**  
**PRIMARY EXAMINER**